

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

Plaintiff,

-against-

ROCK FINTEK LLC,
Defendant.

Civil Action No. 22-cv-05276-PAE

ROCK FINTEK LLC,

*Counterclaim and Third-
Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC.,

Counterclaim Defendant,

and

ADORAMA INC., HERSHEY WEINER,
JOSEPH MENDLOWITZ, JNS CAPITAL
HOLDINGS LLC and JOEL STERN

Third-Party Defendants.

**DECLARATION OF ALEXANDER
J. SPERBER IN SUPPORT OF
KITHEN WINNERS AND
ADORAMA'S MOTION FOR
SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, **ALEXANDER J. SPERBER**, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am a partner at the law firm of Lipsius-BenHaim Law, LLP, counsel for Plaintiff and Counterclaim-Defendant Kitchen Winners NY Inc. ("Kitchen Winners"), and Third-Party Defendants Adorama Inc. ("Adorama"), and Joseph Mendlowitz (collectively, the

“Adorama Parties”) in reference to the above-captioned matter. I submit this Affirmation in support of the Kitchen Winners and the Adorama Parties’ motion for summary judgment.

2. Annexed hereto as **Exhibit “A”** is a true and correct copy of Joseph Weiner’s Declaration dated April 5, 2024.

3. Attached hereto as **Exhibit “B”** is a true and correct copy of Joseph Mendlowitz’s Declaration dated April 5, 2024.

4. Attached hereto as **Exhibit “C”** is a true and correct copy of the expert report of William H. Huber dated January 31, 2024.

5. Rock Fintek claims that Kitchen Winners has never produced any evidence that it actually paid those amounts to wenzy inc.” (Response to SUMF at 101.)

6. That is blatantly false.

7. On November 17, 2023, I emailed counsel for Rock Fintek proof that Kitchen Winners paid Wenzy inc.

8. Attached hereto as **Exhibit “D”** is a true and correct copy of the November 17, 2024 email with all of the attachments.

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 14, 2024.

Dated: Kew Gardens, NY
April 5, 2024



Alexander J. Sperber